

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on May 5, 2008 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, N.C.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Phyllis Forbes; Scott Heath; and Dan South

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.
Dan South offered prayer.

Public Comments

Joan McGuire-Ross spoke about the junk cars on upper Cow Camp Road and the potential health hazard that the junk cars pose. Ms. McGuire-Ross states that this devalues the property of other landowners around the area. Ms. McGuire-Ross asked what the Board was planning on doing about this situation.

Chairman Poteat stated there was a copy of the letter that was sent to Ms. McGuire-Ross from Buddy Norris, Solid Waste Director, with an old junk car ordinance in the Commissioner's agenda packets. Chairman Poteat advised Michaelle Poore, County Attorney, to investigate this ordinance and research if there were any other ordinances in regard to the junk car ordinance.

Debbie Knapper, operator of Munchkinland Day Care Center in Newland, asked the Board to consider leasing the former Banner Elk Day Care Center to her. Ms. Knapper explained that she has been in the daycare business for 25 years and was experienced in child care. Ms. Knapper stated she was willing to remodel the building at no cost to the County. Chairman Poteat instructed the County Manager to get with the County Attorney and look into the leasing of the former Banner Elk Day Care Center.

Dan South stated that he wanted to reserve 2-3 minutes at the end of the meeting for a public comment.

Board Appointments

The County Manager stated that there was a vacancy upcoming on the Avery Airport Authority and it is the recommendation of the members of the Avery Airport Authority to reappoint Mr. Edward Banta for another four year term. There are no other applicants for this appointment.

Motion by Susan Pittman and second by Phyllis Forbes to reappoint Mr. Edward Banta to the Avery Airport Authority for a four year term expiring May 2012. Motion unanimously approved.

Tax Collector Report – Phillip Barrier

Phillip Barrier, Tax Assessor, gave the Tax Collector's Report in the absence of the Tax Collector, Mary Daniels. The Collections for the month of April 2008 was \$193,090.46

Motion by Scott Heath and second by Dan South to approve the Tax Collector's Report as presented. Motion unanimously approved.

Scott Heath asked what the average tax collection rate across the state was. The County Manager stated that this number would vary from year to year. The County Manager advised the average in the state was 95 to 96% depending on several different factors, i.e. ad valorem value, population, etc. Last year Avery County had a 98% collection rate. The County Manager stated that the County Attorney should also be commended for this collection rate because of the ability to collect the delinquent taxes.

Tax Assessors Report – Phillip Barrier

Real and Personal Releases

The Tax Assessor reported the total County Tax Release was \$307.51, Fire Tax \$33.40 for the month of April 2008.

Motion by Phyllis Forbes and Second by Dan South to approve the Real and Personal Releases as presented. Motion unanimously approved.

Real and Personal Refunds

The Tax Assessor reported the Real and Personal Refunds were County Tax of \$110.40 and Fire Tax of \$10.21.

Motion by Dan South and Second by Susan Pittman to Approve the Real and Personal Refunds as presented. Motion unanimously approved.

The Tax Assessor stated that the Board of Equalization and Review has met and any taxpayer has until this Wednesday, May 7, 2008 at 3:00 p.m. to file and be heard by the Board of E&R. The Board of E&R has met with 17 individuals so far and have two scheduled for Wednesday.

Avery County Habitat for Humanity

Terry Woodruff, Avery County Habitat Executive Director and Construction Coordinator, spoke to the Board regarding the Avery County Habitat for Humanity. Mr. Woodruff stated that the Avery County Habitat for Humanity was formed in 1993 and the Habitat is currently building House #25 and #26.

The Avery County Habitat is a part of Habitat International and this partnership helps with organizational materials and also Habitat gets Americorp members through the Habitat International. Currently Avery County Habitat is constructing at Milford Meadows on Buck Mountain Road which is a 40 acre tract and Habitat is building house #5 and #6 on that tract. Avery County Habitat has homeowners associations with restrictions so the families are required to maintain their homes. Habitat is currently serving 17 mortgages. Mr. Woodruff stated at present Habitat has received 20 applications with two families selected and waiting on a home, four families in review and six families in the application process.

County Manager Report – Robert Wiseman **Transfer of Property to the Town of Elk Park**

The County Manager stated that the water system expansion for the Town of Elk Park is possibly coming together now. The Manager advised there were quite a few easements that had to be changed and the pipeline rerouted and also the water tank site had to be relocated. The Manager said that the water tank will now be placed on a piece of property that is currently owned by Avery County and that the use of that property is restricted for purposes of building a home but would appear that a public water supply tank could be located on the property. The Manager advised that the next time the Board meets Michaelle Poore, County Attorney, will have a transfer agreement that will transfer the property to the Town of Elk Park for the specific purpose of a water tank and would be the Town of Elk Park's as long it was used for that purpose. The County Manager stated that McGill and Associates will be meeting with the Town of Elk Park tonight at the Town of Elk Park's Council Meeting to answer some of the council members' questions.

Green Valley EMS Substation

The Manager advised the septic system is in at the Green Valley EMS Substation and work is currently underway on the garage. The Manager also stated that the underpinning of the mobile unit is underway. The Manager said that the goal to begin operating the Green Valley EMS Substation is July 1, 2008.

Five Year Solid Waste Contract with the City of Bristol

The County Manager stated that Buddy Norris, Solid Waste Director, and the County Manager met with the City of Bristol, Tennessee Representatives on Friday, May 2, 2008, to renegotiate the Solid Waste Contract with Avery County and the City of Bristol. The County Manager advised that a hard copy of the contract was just received and the County Attorney would have to review the contract. The County Manager stated that for the first 3 years of the 5 year contract there will be a flat 3% increase. The County Manager advised that this would not be a 3% increase every year for 3 years but when the contract was executed there would be a 3% increase. The County Manager said that the tippage at Bristol is \$20.25 per ton and 3% would make it \$20.85 per ton which would be a \$.60 cent increase per ton and then the last two years of the contract there would be a 1% increase per year. The County Manager advised that legislation is in place and will become effective July 1, 2008, from the state of North Carolina Division of Solid Waste implementing a \$2.00 a ton tipping fee on each municipality that operates a municipal landfill. The State collects the money from the county who collects it from the patrons and that money goes into a common fund and the use of the money is restricted to the landfills across the state of North Carolina that was closed out but was out of compliance and need to be cleaned up.

Chairman Poteat questioned if the County did not spend thousands of dollars to bring the County's landfill into compliance. Discussion regarding Avery County's landfill. Phyllis Forbes stated that Avery County and other service providers are carrying the burden for the service providers that did not comply with the state's orders to bring the landfills into compliance.

Linville Village Intersection

The County Manager stated that Julia Jaynes had sent a letter to the Board of Commissioners regarding the intersection at the Linville Village. Ms. Jaynes has asked that the Board send a request to the North Carolina Department of Transportation to investigate obstructing signs at the Linville Village Intersection.

Mike Hardin spoke briefly to the Board in support of Ms. Julia Jaynes. Mr. Harding handed out pictures of the intersection and traffic flow at the intersection to the Board. Mr. Harding stated that he worked for fire and rescue and sometimes there would be 4 to 5 accidents at the intersection in a week. Mr. Harding said there was a 55 mph speed zone coming into the intersection and also within a ¼ of a mile is the entrance to Cannon Memorial Hospital. Mr. Harding stated that there were signs and light poles that blocked visibility of incoming traffic at the intersection. Mr. Harding suggested that the speed limit should be dropped down to 35 mph coming into the intersection from the hospital entrance side.

Chairman Poteat stated that Ms. Jaynes was given a ticket and Mr. Harding was the person that Ms. Jaynes struck at the intersection but Mr. Harding was here on behalf of Ms. Jaynes. Chairman Poteat advised that the Board should address the speed limit in the resolution as well as the signage.

Albert Jaynes, husband of Julia Jaynes, stated that today he went back to the intersection to make sure that the signs were actually blocking the intersection and he asked the Board to please look into this problem before there was a more serious accident.

Julia Jaynes spoke to the Board about her accident at the Linville Village Intersection and asked the Board to address this issue with the Department of Transportation and hopefully this would prevent a more serious accident in the future.

Chairman Poteat instructed the County Manager by consensus of the Board to send a resolution to the North Carolina Department of Transportation. Scott Heath stated that the resolution should include investigating the obstructing signs, flow of the intersection and speed limit and in particular the turning lane and pulling out at Linville Village. Chairman Poteat stated that as part of the consensus of the Board the Chairman would sign the resolution on behalf of the Board.

Extension of 5 year EMS Contract- Watauga County

The County Manager advised that the EMS contract between Avery County and Watauga County would expire November 2008. The Manager stated that five years ago Avery County entered into a contract with Watauga County because Avery County was having a tough time serving the Avery County side of Seven Devils in a timely manner. Watauga County was having a tough time serving the Watauga side of Beech Mountain and it was much more effective for Avery County to serve that portion of the Town of Beech Mountain. The County Manager stated that this contract has worked out well over the past five years. The County Manager advised that nothing would change with the contract except the date and there is a CPI annual revision if consumer price goes up. The County Manager stated that his recommendation is to extend the EMS contract with Watauga County for five more years. The County Attorney advised that there was no problem with the renewal of the contract.

Motion by Susan Pittman and second by Dan South to extend the 5 year contract between Avery and Watauga County EMS services. Motion unanimously approved.

County Finance Report – Tim Greene

Budget Amendment #A08-24

The Finance Officer presented a budget amendment for the Recreation Department. The Recreation Department has received a \$4,000 grant from the NFL/NRPA and a \$100 grant from the MLB/NRPA.

Motion by Susan Pittman and second by Scott Heath to recognize the grant of \$4,000 from NFL/NRPA and a \$100 grant from the MLB/NRPA to be dispersed as printed. Motion unanimously approved.

Dan South stated this grant is to promote the NFL Flag Football program and Robbie Willis, Recreation Director, is to be commended for obtaining this grant.

Budget Amendment #A08-25

The Finance Officer presented a budget amendment for the Social Services Department from the NC Department of Health & Human Services in the amount of \$9,000 to be used to enhance the adoption service program.

Motion by Phyllis Forbes and second by Scott Heath to approve \$9,000 monies received from the NC Department of Health & Human Services to be used for the adoption service program in Avery County. Motion unanimously approved.

Scott Heath questioned what the adoption services program does. Phyllis Forbes stated that the DSS strives, after children are placed in a foster home and will not return to their previous home, to find adoptive parents. Ms. Forbes advised that there needed to be more foster parents to get to the adoption stage and hopefully this money would help with some advertising to promote the adoption services.

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, stated there were no new developments in pending litigation. The County Attorney advised she is working on contracts and a proposed lease agreement with the County Manager for High Country Animal Shelter.

Approval of Minutes

Motion by Phyllis Forbes and Second by Susan Pittman to approve the April 7, 2008 Regular Session Minutes. Motion unanimously approved.

Agenda Consent Items

Discussion about the junk car ordinance. Susan Pittman expressed thanks to Mr. Buddy Norris for going out and examining the property on Upper Cow Camp Road and sending Ms. McGuire-Ross a follow up letter regarding the matter. The County Manager stated that the County cannot legislate because of the way the property looks but if it is a health hazard then there can be steps to address that problem. Dan South stated that the junk car ordinance that has been on the books for such a long time does not have any “teeth” to it. The County Manager stated that the junk car ordinance that is on the books now is not enforceable. The County Attorney stated there are no mechanisms in this ordinance.

Agenda Consent Items Adopted by Consensus of the Board

Upcoming Meetings

The next budget meeting will be held on Thursday, May 8, 2008 at 3:30 p.m. Phyllis Forbes stated that she received a phone call from Lisa Sparks, Chairman of the Mitchell County Board of Commissioners, and Ms. Sparks requested that the County Manager, Finance Officer, Chairman Poteat, and Ms. Forbes come to Mitchell County for a three county meeting sometime next week.

Dan South said he wanted to address some items with the Board. Mr. South stated that at the last meeting he said something that was not appropriate to Chairman Poteat and was offering his apology to the Chairman publicly. Chairman Poteat accepted Mr. South's apology.

Mr. South stated that the decision he has made not to resign is based upon talking with many people in the community that voted for him and supported him and asked him not to resign in haste. Mr. South said he is making an assumption that when he gets to Afghanistan that it would be what he wanted to do but he is not completely sure about that so he does not want to hastily resign from this Board. Mr. South stated that when he talks to people in the community that elected him to the Board these people believe it is not fair to let a small group of people select a replacement for him when they were not necessarily supportive of him getting elected to this Board. Mr. South advised that if the Board felt what he was doing was inappropriate he would take another route but if he had the "blessings" of the Board he would not resign at this time. Mr. South said he had asked the County Manager to research the possibility of participating in the Board meetings from Afghanistan. Mr. South stated that he would pay for the technology. Mr. South advised he had asked the County Manager to stop his Commissioner pay and if that is not possible to donate his check to a local charity.

Chairman Poteat stated that he sees no reason to ask for Mr. South's resignation. Susan Pittman stated she thought Mr. South's decision was a good idea at this time. Phyllis Forbes said personally she didn't feel there was any reason for Mr. South to resign at this time. Scott Heath stated that Mr. South won by a lot of votes at the last election and that showed overwhelming support from the citizens of this County and he felt this was a wise decision at this time. Mr. South said he appreciated the vote of confidence from this Board.

Adjourn

Motion by Scott Heath and second by Phyllis Forbes to adjourn the meeting at 5:09 p.m. Motion unanimously approved.

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill
Clerk to the Board